

Exhibit "B"
Case Closure Summary
North Park Renaissance Redevelopment Project

Case Closure Summary Non-LOP or Voluntary Assistance Program

I. AGENCY INFORMATION

DATE: February 7, 2008

Agency Name: County of San Diego, Environmental Health, SAM	Address: P.O. Box 129261
City/State/ZIP: San Diego, CA 92112-9261	Phone: (619) 338-2222 FAX: (619) 338-2377
DEH Staff Person: EWAN MOFFAT	Title: ENVIRONMENTAL HEALTH SPECIALIST

II. CASE INFORMATION

Case No. H39622-001	RWQCB Case No.
Site Name: N. PARK RENAISSANCE PROJECT	Site Address: 4356 30TH ST, SAN DIEGO, CA 92104
Property Owner: CARTER REESE & ASSOCIATES 2250 4 TH AVE., #300 SAN DIEGO, CA 92103	
Responsible/Requesting Parties	Address
CARTER REESE & ASSOCIATES	2250 4 TH AVE., #300 SAN DIEGO, CA 92103
	Phone Number (619) 686-5959
Type of Case: NON-TANK CASE	
Agency notification of DEH Oversight: DTSC: 1/29/2003 RWQCB: 1/29/2003	

III. SITE CHARACTERIZATION AND/OR INFORMATION

Purpose of Investigation: SITE DESIGNATION		Substances Investigated: DIESEL, HEAVY METALS	
Site Characterization complete? YES		12/14/2007	
Monitoring Wells Installed? NO	Total Number: 0	Proper Screened Interval? NA	Number of decommissioned wells: NA
Range of groundwater levels on the site? > 100'		Groundwater Flow Direction: NA	
Most Sensitive Current Use: BENEFICIAL GROUNDWATER USE: NONE DESIGNATED EXISTING BENEFICIAL SURFACE WATER USE: REC2 AND POTENTIAL: REC1			
Are Drinking Water Wells Affected? NO		RWQCB Basin Number: 908.22-CHOLLAS HYDROLOGIC SUB AREA	
Is Surface Water Affected? NO		Nearest Surface Water name: SD RIVER	
Off-Site Beneficial Use Impacts (addresses/locations): NONE			
TREATMENT AND DISPOSAL OF AFFECTED MATERIAL			
Material	Amount (Include Units)	Action (Treatment or Disposal)	Date
SOIL	11900 CUBIC YARD	DISPOSAL AT ENNIS MATERIALS, SAN DIEGO CA	9/1/2004
SOIL	780 CUBIC YARD	DISPOSAL AT PALA RANCH, PALA, CA	9/6/2004
SOIL	240 CUBIC YARD	DISPOSAL AT CAMINO DE LA PLAZA, SAN DIEGO CA	9/10/2004
SOIL	250 POUNDS	RECYCLED AT DOME ROCK, QUARTZITE, AZ	11/2/2004
SOIL	10.55 TONS	DISPOSAL AT OTAY LANDFILL, SAN DIEGO CA	11/2/2004
WATER	110 GALLONS	RECYCLED AT DOME ROCK, QUARTZITE, AZ	11/2/2004
SOIL	1985.59 CUBIC YARD	DISPOSAL AT OTAY LANDFIL, SAN DIEGO CA	2/3/2005

Non-LOP - Underground Storage Tank Oversight handled outside the LOP
Non-Tank - Voluntary Assistance Program

Case Closure Summary

Non-LOP or Voluntary Assistance Program

III. SITE CHARACTERIZATION AND/OR INFORMATION (Continued)

MAXIMUM DOCUMENTED CONTAMINANT CONCENTRATIONS	MAXIMUM	REMAINING
VAPOR		
Benzene	< 1.0 ug/l	< 1.0 ug/l
Naphthalene	< 1.0 ug/l	< 1.0 ug/l
Ethyl benzene	< 1.0 ug/l	< 1.0 ug/l
Tetrachloroethene (PCE)	< 1.0 ug/l	< 1.0 ug/l
Toluene	= 1.7 ug/l	= 1.7 ug/l
Xylene (individual isomers or total)	= 2.1 ug/l	= 2.1 ug/l
SOIL		
Gasoline	= 190 mg/kg	= 33 mg/kg *
Diesel	= 5400 mg/kg	= 860 mg/kg *
TRPH	= 610 mg/kg	= 610 mg/kg *
Benzene	< 0.005 mg/kg	< 0.005 mg/kg *
Toluene	< 0.005 mg/kg	< 0.005 mg/kg *
Ethyl benzene	= 0.0089 mg/kg	< 0.005 mg/kg *
Xylene (individual isomers or total)	< 0.005 mg/kg	< 0.005 mg/kg *
Methyl-tert-butyl ether (MTBE)	< 0.005 mg/kg	< 0.005 mg/kg *
tert-Butyl Alcohol (TBA)	< 0.01 mg/kg	< 0.01 mg/kg *
Cadmium	= 3.73 mg/kg	< 0.5 mg/kg
Chromium	= 61.8 mg/kg	= 9.38 mg/kg
Copper	= 178 mg/kg	= 7.56 mg/kg
Lead	= 2190 mg/kg	= 45.2 mg/kg
Naphthalene	= 0.18 mg/kg	< 0.05 mg/kg
Zinc	= 4690 mg/kg	= 92.5 mg/kg

* Data from UST case H39622-002

Comments:

This case is a site designation VAP. It formerly consisted of residences, commercial outlets, and a bowling alley. Per the Phase I, there was also a gas station and cleaners prior to 1960. This area will become a mixed residential / commercial use. Soil gas samples from the first consultant (SCST) over the entire area revealed ND results except for trace toluene and xylenes in a few samples. These samples were collected on March 20, 2003.

During June 2004, the northern portion was excavated without consulting DEH, and without a consultant to oversee the work. Per the new consultant, Ninyo & Moore, this was done prior to them being contracted for this project. This material had been transported to an industrial site in San Ysidro. No profiling had been done. Based on the low levels from the soil gas and lead samples taken from that area Ninyo & Moore claimed that this should provide some level of comfort that the excavated soil was probably suitable for export and off-site reuse. Since DEH was not consulted or notified of the soil reuse it did not provide oversight of this activity.

Soil excavation of 4 to 5 feet on the southern portion of the property commenced around September 2004. Within this area, 38 randomly selected soil samples were taken. None of these samples contained Volatile Organic Compounds (VOC's); they also did not contain heavy metals over 50 times the STLC with the exception of lead. Excavation and confirmation sampling was performed on eight sample areas that were either over the STLC of lead (50 mg / kg), or had any reportable TPH. Confirmation samples of these areas indicated adequate removal of impacted soil.

Two Underground Storage Tanks (UST's) were discovered during the excavation. Both were approximately 500 gallons. The first one, on the eastern portion of the property, did not contain levels of contaminants to warrant opening a LOP case; however, the second UST, located on the western of the property, was opened as LOP case H39622-2. Adequate removal of contaminated soil occurred so that the UST case could be recommended for closure.

One burn pit was also discovered during this excavation. The San Diego LEA was given an approval to take the lead in overseeing the workplan for the removal of the burn pit. Based on this approved workplan, excavation of the burn pit soils was performed with confirmation sampling that indicated adequate removal.

The consultant claims that there are no health risks to the site due to the excavation of all lead in excess of 50 mg/kg including the former burn pit. In relation to the former tank case, most of the diesel impacted soil was removed except for a small quantity that poses no health risks. DEH concurs with the consultant's conclusions.

Case Closure Summary
Non-LOP or Voluntary Assistance Program

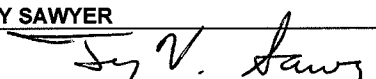
IV. CLOSURE

H39622-001

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? YES
Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? YES
Does corrective action protect public health for current land use? Case review based on current/proposed use as: RESIDENTIAL
Are there other issues DEH needs to follow up on: NO
Site Management Requirements: ANY CONTAMINATED SOIL EXCAVATED AS PART OF SUBSURFACE CONSTRUCTION WORK MUST BE MANAGED IN ACCORDANCE WITH THE LEGAL REQUIREMENTS AT THAT TIME.
Should corrective action be reviewed if land use changes? YES
List Enforcement Actions Taken: NONE
List Enforcement Actions Rescinded: NONE
Is this account up to date and current? YES

V. LOCAL AGENCY REPRESENTATIVE DATA

H39622-001

Name: TONY SAWYER	Title: HYDROGEOLOGIST
Signature: 	Date: 2-7-08

VI. RWQCB NOTIFICATION

Date Submitted to RWQCB:	RWQCB Response:	
RWQCB Staff Name:	Title:	Date:

VII. ADDITIONAL COMMENTS, DATA, ETC.

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This document and the related CASE CLOSURE LETTER, shall be retained by the lead agency as part of the official site file.



County of San Diego

GARY W. ERBECK
DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
(619) 338-2222 FAX (619) 338-2088
1-800-253-9933
www.sdcdeh.org

JACK MILLER
ASSISTANT DIRECTOR

January 24, 2008

Mr. Resse Jarrett
Carter, Reese #18 LLP
2250 4th Ave., Ste. 300
San Diego, CA 92104

Dear Mr. Jarrett:

UNAUTHORIZED RELEASE FROM UNDERGROUND STORAGE TANK
AT 4356 30th STREET, SAN DIEGO, CA 92104
CASE H39622-002

This letter confirms the completion of a site investigation and corrective action for the underground storage tank currently located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the current underground storage tanks is greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank site is in compliance with the requirements of subdivisions (a) and (b) of Section 25296.10 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.3 of the Health and Safety Code and that no further action related to the petroleum release at the site is required.

This notice is issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code. Please contact Ewan Moffat at (619) 338-2212 if you have questions regarding this matter.

Sincerely,

GARY W. ERBECK, Director
Department of Environmental Health
Site Assessment and Mitigation Program

GWE:EM:ae

Enclosure

cc: John Odermatt, Regional Water Quality Control Board
Ron Duff, SWRCB, UST Cleanup Fund Program
Scott Snyder, Ninyo & Moore

H39622-002-108CLO

Case Closure Summary

Leaking Underground Fuel Storage Tank Program

I. AGENCY INFORMATION

DATE: January 15, 2008

Agency Name: COUNTY OF SAN DIEGO, ENVIRONMENTAL HEALTH, SAM	Address: P.O. BOX 129261
City/State/Zip: SAN DIEGO, CA 92112-9261	Phone: (619) 338-2222 FAX: (619) 338-2377
Responsible Staff Person: EWAN MOFFAT	Title: ENVIRONMENTAL HEALTH SPECIALIST

II. CASE INFORMATION

Site Facility Name: NORTH PARK RENAISSANCE		
Site Facility Address: 4356 30TH ST, SAN DIEGO, CA 92104		
RB LUSTIS Case No:	Local Case No: H39622-002	LOP Case No: N/A
URF Filing Date: 11/29/2004	SWEEPS No: N/A	
<u>Responsible Parties</u>	<u>Address</u>	<u>Phone Number</u>
CARTER REESE #18	2250 4 TH AVE., #300 SAN DIEGO, CA 92103	(619) 686-5959
<u>Tank No.</u>	<u>Size in Gal.</u>	<u>Contents</u>
T002	500	POSSIBLE DIESEL
	<u>Status</u>	<u>Date</u>
	REMOVED	11/2/04

III. RELEASE AND SITE CHARACTERIZATION INFORMATION

Cause Release: SUBSTANCE RELEASED FROM UST	Substance Released: DIESEL
Site Characterization complete: YES	Date Approved By Oversight Agency: 1/13/2005
Monitoring Wells Installed? NO	Number: 0
Highest GW Depth B.G. Surface: 100' (ESTIMATED)	Proper Screened Interval? NA
Lowest Depth: 100' (ESTIMATED)	Flow Direction: NA
Most Sensitive Current Use: BENEFICIAL GROUNDWATER USE: NONE DESIGNATED EXISTING BENEFICIAL SURFACE WATER USE: REC2 AND POTENTIAL: REC1	
Are Drinking Water Wells Affected? NO	Aquifer Name: 908.22-CHOLLAS HYDROLOGIC SUB AREA
Is Surface Water Affected? NO	Nearest SW name: SAN DIEGO RIVER. 1.7 MILE NORTH.
Off-Site Beneficial Use Impacts (addresses/locations): NA	
Report(s) on file? YES	Where is Report(s) Filed? COUNTY OF SAN DIEGO, ENVIRONMENTAL HEALTH
TREATMENT AND DISPOSAL OF AFFECTED MATERIAL	
<u>Material</u>	<u>Amount (Include Units)</u>
SOIL	1986 TONS
TANK	1
<u>Action (Treatment or Disposal)</u>	
RECYCLED at OTAY LANDFILL, SAN DIEGO, CA	
RECYCLED at PACIFIC STEEL, SAN DIEGO, CA	
<u>Date</u>	
	2/3/2005
	11/2/2004

Case Closure Summary
Leaking Underground Fuel Storage Tank Program

III. RELEASE AND SITE CHARACTERIZATION INFORMATION (Continued)

H39622-002

MAXIMUM DOCUMENTED CONTAMINANT CONCENTRATIONS	MAXIMUM	REMAINING
SOIL		
Gasoline	= 190 mg/kg*	= 33 mg/kg*
Diesel	= 5400 mg/kg	= 860 mg/kg
TRPH	= 610 mg/kg	< 610 mg/kg
Benzene	< 0.005 mg/kg	< 0.005 mg/kg
Toluene	< 0.005 mg/kg	< 0.005 mg/kg
Ethyl benzene	= 0.0089 mg/kg	< 0.005 mg/kg
Xylene (individual isomers or total)	< 0.005 mg/kg	< 0.005 mg/kg
Methyl-tert-butyl ether (MTBE)	< 0.005 mg/kg	< 0.005 mg/kg
tert-Butyl Alcohol (TBA)	< 0.01 mg/kg	< 0.01 mg/kg
Naphthalene	= 0.18 mg/kg	< 0.05 mg/kg

Comments:

During the removal of a 500 gal. tank, soil samples revealed elevated levels of TPHd. Approximately 1,986 Tons of soil was removed during construction activities as part of this site designation project. It was during these construction activities that further samples were taken to determine the extent of the soil impact from this tank.

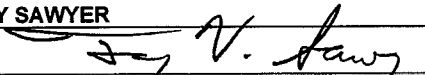
The consultant estimates that 100 cubic yards contaminated soil over 100 ppm TPH remains on site and that there are no impacts to human health due to the lack of compounds of concern in the remaining soil. In addition there are no groundwater risks since the area has no beneficial uses. Even though vertical delineation did not progress past 520 mg/kg TPHd at 15 feet bgs, the consultant claims that this level is far below the residual saturation of the Linda Vista soils at this site; as a result of this, there can be no liquid phase hydrocarbon on the groundwater from this release.

Other than excavation for the development, no other form of cleanup has occurred on site.

IV. CLOSURE

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? YES		
Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? YES		
Does corrective action protect public health for current land use? YES		
Case oversight completed based upon the following site use: RESIDENTIAL		
Site Management Requirements: ANY CONTAMINATED SOIL EXCAVATED AS PART OF SUBSURFACE CONSTRUCTION WORK MUST BE MANAGED IN ACCORDANCE WITH THE LEGAL REQUIREMENTS AT THAT TIME.		
Should corrective action be reviewed if land use changes? YES		
Monitoring Wells Decommissioned: NA	Number Decommissioned: 0	Number Retained: 0
List Actions Taken: NOTICE OF REIMBURSEMENT / LOCAL		
List Enforcement Actions Rescinded: NONE		

V. LOCAL AGENCY REPRESENTATIVE DATA

Name: TONY SAWYER	Title: HYDROGEOLOGIST
Signature: 	Date: 1-22-08

VI. RWQCB NOTIFICATION

Date Submitted to RB:	RB Response: NA - SOILS ONLY	
RWQCB Staff Name: NA	Title: NA	Date: NA

Case Closure Summary

Leaking Underground Fuel Storage Tank Program

VII. ADDITIONAL COMMENTS, DATA, ETC.

H39622-002

*Based on chromatographs, this TPHg does not resemble gasoline.

This document and the related CASE CLOSURE LETTER, shall be retained by the lead agency as part of the official site file.